

Mr Potter offered the following amendments :

For pay of audited certificate No 301, dated Feb. 5, '42, \$325.

For payment of James Willie, A. M. Lewis, W. S. Oldham and George F. Moore, as Special Judges of Supreme Court, one hundred dollars each, \$400.

For stationery for 7th Legislature, one thousand dollars, or so much thereof as may be necessary ; adopted.

Mr McCulloch offered the following amendment :

To Rolla M Davis and James W Nichols, \$100 each annually, to be drawn every six months, \$200. •

Mr Flanagan offered the following amendment :

For H M Smith, (disabled in battle,) one hundred dollars per annum, \$200 ; rejected.

Mr Martin offered the following amendment :

For James Riggs, three hundred dollars for services rendered the State of Texas ; rejected.

On motion of Mr Potter, the vote just taken was reconsidered, and Mr Martin withdrew the amendment.

Mr Bryan offered the following amendment :

To A H Cook, for painting the roof of the capitol, \$300, which sum is to be paid said Cook when the roof of the capitol shall be secured against leakage, and the weights shall be attached to the windows of the capitol ; adopted.

Mr Bryan offered the following amendments :

To A H Cook, for iron furnished and smith-work done by said Cook on the capitol not included in said Cook's contract \$257.

For repairing furniture and improvement of the grounds of the capitol, \$800 ; rejected.

On motion of Mr Taylor, of Cass, the Senate adjourned until 10 o'clock to-morrow morning.

THURSDAY, JANUARY 31st, 1856.

The Senate was called to order by the President pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr Potter, chairman of the committee on the Judiciary, to which was referred a bill to change the name of Julius Valentine Cook, of Fayette county, to that of Richard Valentine Cook, reported the same back, and recommended it to the favorable consideration of the Senate.

On motion of Mr Guinn the rule was suspended, bill taken up, read, and passed to a third reading.

On motion of Mr Guinn the rule was further suspended, bill read third time, and passed.

Mr Potter, from the same committee, to which was referred a bill to create and organize the 18th judicial district, and to define the time of holding courts therein, reported that a majority of the committee instructed him to report the same back, with the accompanying amendments, and to recommend their adoption, and the passage of the bill.

AMENDMENTS.

1st. In the 1st section, 2d line, strike out "Karnes."

2d. In the same section, 3d line, strike out "McCulloch," and insert "Maverick."

3d. In the 1st section, 5th line, strike out "18," and insert "17."

4th. In the 2d section, 2d line, strike out "18th," and insert "17th."

5th. In the 2d section, strike out all after the word "week;" in the 6th line, to the end of the section, and insert "in the county of Atascosa, on the first Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Medina on the second Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Bandera, on the fourth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Llano on the 5th Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of San Saba, on the sixth Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Uvalde, on the eighth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Kinney, on the ninth Mondays after the first Mondays of March and September, and may continue in session one week.

In the county of Maverick, on the tenth Mondays after the first Mondays of March and September, and may continue in session one week.

6th. In 3d section, 4th line, strike out "18th," and insert "17th."

7th. Strike out the 4th section.

8th. Make section 5th, section 4th.

9th. Strike out the caption of the bill, and insert, "An act to create the 17th judicial district, and to define the time of holding the district courts therein, and to provide for the election of a judge and district attorney."

On motion of Mr Superviele the bill was taken up, and on motion of Mr McCulloch, made special order for this evening, at 3 o'clock.

Mr Hill introduced a bill to amend an act to incorporate the Texas monumental committee; read first time.

Mr Bryan introduced a bill for holding the Spring term of the district court, for the county of Matagorda; read first time.

On motion of Mr Bryan the rule was suspended, bill read second time, and ordered to be engrossed.

On motion of Mr Bryan the rule was further suspended, bill read third time, and passed.

Mr Taylor of Cass offered the following resolution:

Resolved, That the committee on printing be required to call on the publishers of the State Gazette, and inform them that unless the appendix shall contain eight pages in each issue, it will be discontinued, and if the Publishers shall not agree that eight pages shall comprise a number, then the committee are hereby required to discontinue the same. Adopted by the following vote:

YEAS—Messrs. Bryan, Caldwell, Flanagan, Grimes, Guinn, Hill, Lott, McDade, Pedigo, Pirkey, Potter, Russell, Scott, Superviele, Taylor of Cass, Whitaker, and Wren—16.

NAYS—Messrs. McCulloch, Millican, Palmer, Scarborough, Taylor of Fannin, Taylor of Houston, Weatherford, and White—8.

Mr Bryan introduced a joint resolution, instructing our Senators, and requesting our Representatives in Congress, to use their influence to procure the incorporation of the officers of the late navy of Texas, into the navy of the United States; read first time.

On motion of Mr Bryan the rule was suspended, resolution read second time, and ordered to be engrossed.

On motion of Mr Bryan the rule was further suspended, resolution read third time, and passed.

A message was received from the House, informing the Senate that the House had passed a bill originating in the Senate, giving the assent of the State of Texas to an act to provide for the payment of such creditors of the late Republic of Texas, as are comprehended in the act of Congress of Sept. 9th, 1850, which was passed at the 2d session of the 33rd Congress of

the United States, approved Feb. 8th, 1855. Also a House bill to regulate Mustang chases, West of the San Antonio river.

On motion of Mr Grimes the bill making an appropriation for the use and support of the State Government for the years 1856 and 1857, was taken up.

Mr Hill offered the following amendment :

Pension to Michael Short, of Fayette county, \$100 annually to be drawn semi-annually, \$200; adopted.

Mr Bryan offered the following amendment :

For the purchase of the Alamo monument \$1,500, or so much thereof as may be necessary, be expended under the direction of the Governor; rejected.

Mr Potter offered the following amendment :

To Thomas Barnett and Thomas Norris, as pensioners, \$100 per annum each, payable quarterly, \$400; adopted.

Mr Guinn moved to reconsider the vote making appropriations for pensions to all those who have not been by law declared pensioners; rejected by the following vote :

YEAS—Messrs. Caldwell, Flanagan, Lott, Maverick, Millican, Pirkey, Russell, Scott, Taylor of Cass, Taylor of Fannin, and Whitaker—11.

NAYS—Messrs. Allen, Armstrong, Bryan, Burroughs, Doane, Grimes, Guinn, Hill, Hord, McCulloch, McDade, Martin, Palmer, Pedigo, Potter, Scarborough, Superviele, Taylor of Houston, Tuit, Weatherford, and Wren—21.

ORDERS OF THE DAY.

The motion to reconsider the vote refusing to pass a bill for the relief of certain sheriffs therein named, was taken up, vote reconsidered. The question then being, shall the bill pass, the objections of the Governor to the contrary notwithstanding, it was passed by the following vote :

YEAS.—Messrs. Allen, Armstrong, Bryan, Caldwell, Doane, Flanagan, Hord, Martin, Maverick, Millican, Palmer, Pedigo, Potter, Scarborough, Superviele, Taylor of Houston, Tuit, White, and Wren—19.

NAYS.—Messrs. Burroughs, Grimes, Guinn, Hill, McDade, Russell, Scott, Weatherford, and Whitaker—9.

A bill supplementary to an act to provide for ascertaining the debt of the late Republic of Texas, approved March 20th, 1848.

On motion of Mr Potter laid on the table.

On motion of Mr Allen, a bill to pay assessors and collectors of taxes for taking the number of the scholastic population of their respective counties for the years 1854 and 1855, was taken up, read, and passed to a third reading.

On motion of Mr Allen the rule was suspended, bill read third time, and passed by the following vote.

YEAS—Messrs. Allen, Armstrong, Bryan, Burroughs, Caldwell, Doane, Flanagan, Grimes, Hill, Lott, McDade, Martin, Maverick, Millican, Scarborough, Taylor of Houston, Truit, Weatherford, Whitaker, White, and Wren—21.

NAYS—Messrs. Guinn, Pirkey, Potter, Scott, and Taylor of Fannin—5.

Mr Scarborough offered the following resolution :

Resolved, That the public printer be required to return and deposit with the Secretary of State, all work done under order of the Senate, which may be completed during the recess of the Legislature, and that the Comptroller be authorized to approve the accounts, and draw his warrants for the payment of the same.

On motion of Mr Scott, laid on the table.

A message was received from the House, informing the Senate that the House had passed a bill authorizing the county courts of this State to grant licence for the retail of spirituous, vinous, and intoxicating liquors, in quantities less than a quart, and imposing a licence tax for such privilege, and a bill to change the names of Caroline Boyd and Lucy Ann Boyd, and to authorize Charles B. Stewart to adopt them.

On motion of Mr Guinn the bill authorizing the county courts of this State to grant licenses for the retail of spirituous, vinous, and intoxicating liquors, in quantities less than a quart, and imposing a licence tax for such privilege, was taken up, and read first time.

On motion of Mr Guinn the rule was suspended, and bill read second time.

Mr White offered as a substitute for the bill, a bill to regulate the sale of spirituous liquors in the several counties of the State.

On motion of Mr Flanagan laid on the table.

Mr White moved to refer the bill to the committee on finance ; lost by the following vote :

YEAS—Messrs. Armstrong, Bryan, Burroughs, Herd, Martin, Russell, Scarborough, White, and Wren—9.

NAYS—Messrs. Allen, Caldwell, Doane, Flanagan, Grimes, Guinn, Hill, Lott, McDade, Maverick, Millican, Palmer, Pirkey, Potter, Scott, Superviele, Taylor of Cass, Taylor of Fannin, Taylor of Houston, Truit, Weatherford, and Whitaker—22.

Mr Taylor of Fannin offered the following amendment :

1st. After the word "age," add "without an order in writing from the parent or guardian of such person.

Laid on the table on motion of Mr Guinn.

2d. Amend so as to read, that said bond or bonds shall not be void upon the first recovery.

On motion of Mr Hill laid on the table.

Mr Martin offered the following amendment :

At the end of the 12th section, after the word "beer," insert
"cider or whiskey."

On motion of Mr Flanagan laid on the table.

Mr Bryan offered the following amendment :

Insert after the word "beer," unadulterated wine."

On motion of Mr Scott, laid on the table.

Mr White offered the following amendment :

Add, "and be it further enacted, that any debt contracted for liquor, by habitual drinkers, shall not be collected in any court of this State.

On motion of Mr Scott, the amendment was laid on the table by the following vote :

YEAS—Messrs Allen, Burroughs, Flanagan, Grimes, Guinn, Hill, Hord, Lott, McDade, Maverick, Millican, Palmer, Pirkey, Scott, Taylor of Houston, Tuit, and Whitaker—18.

NAYS—Messrs Armstrong, Bryan, Caldwell, Martin, Potter, Russell, Scarborough, Superviele, Taylor of Cass, Taylor of Fannin, Weatherford, White, and Wren—13.

Mr Hord offered the following amendment :

And such taxes may be paid in any of the audited liabilities of said county.

On motion of Mr Flanagan the amendment was laid on the table.

Mr Potter offered the following amendment :

In sec. 3d, 4th line from the bottom of the section, between the words "any," and "games," insert "unlawful," and in the same and next line, strike out "whether licenced or not."

Mr Scott moved to lay the amendment on the table; carried.

On motion of Mr Potter a call of the Senate was ordered.

On motion of Mr Weatherford the Senate adjourned till 3 o'clock P. M.

3 o'clock P. M.

Senate met—roll called—quorum present.

A bill authorizing the county courts of this State to grant licence for the retail of spirituous, vinous, and intoxicating liquors, in quantities less than a quart, and imposing a licence tax for such privileges, taken up.

Mr Scott's motion to lay Mr Potter's amendment on the table being under consideration when the Senate adjourned, was taken up.

On motion of Mr Potter a call of the Senate was ordered.

On motion of Mr Taylor of Cass the call was suspended—the motion was then carried.

Mr Palmer offered the following amendment :

Insert after the word "permission," in 3d section, "of the parent, guardian, or teacher of such minor, or student, or" and at the end of sec. 3d, add "provided that lawful or licenced games shall not be prohibited by the provisions of this act at any such house or place within the limits of any incorporated cities or towns.

Mr Hill moved to lay the amendments on the table.

On motion of Mr Palmer, a call of the House was ordered.

The Senate being full, the amendments were laid on the table by the following vote :

YEAS—Messrs Allen, Bryan, Caldwell, Flanagan, Grimes, Guinn, Hill, Lott, McCulloch, Martin, Maverick, Millican, Pedigo, Pirkey, Scott, Taylor of Fannin, Taylor of Houston, Truit, Weatherford, and Whitaker—20.

NAYS—Messrs Armstrong, Burroughs, Doane, Hord, McDade, Palmer, Potter, Russell, Scarborough, Superviele, Taylor of Cass, White, and Wren—13.

On motion of Mr Hill the previous question was ordered.

The bill then passed to a third reading.

Mr Hill moved a suspension of the rule, that the bill might be read third time; lost.

Mr Millican, chairman of the committee on roads, bridges, and ferries, to which was referred a bill authorizing Archibald F. Leonard to erect a mill on, and construct a dam across the West Fork of Trinity river, reported the same back, recommending its passage.

On motion of Mr Caldwell, a bill for the relief of Fred W. Moore, assignee of A. H. Cook, was taken up, and read first time.

On motion of Mr Taylor of Cass the rule was suspended, bill read second time, and passed to a third reading.

On motion of Mr Taylor of Cass the rule was further suspended, bill read third time, and passed.

A message was received from the House, informing the Senate that the House had passed a bill to change the name of Margaret Catharine Burks to Margaret Catharine Moore, and the name of Emily Jane Burks, to Emily Jane Clark, with amendments.

A bill for the relief of Com. E. W. Moore.

A bill to amend the 7th sec. of an act to provide for the payment of six companies of mounted volunteers, that were mustered into the service of the State of Texas on the 1st day of Nov. 1854, under a requisition of Brevet Major General Persifer F. Smith, and to pay the expenses incurred by said companies, approved Jan 14th, 1856.

A bill to incorporate the Trinity valley Rail Road company.

A bill to create the county of Oibolo,

And a bill for the relief of the Buffalo Bayou, Brazos and Colorado Rail Road company, or their assigns, in certain cases.

Also that the House had concurred in the amendments of the Senate, to a bill to create the county of Live Oak.

Mr Guinn, chairman of the committee on engrossed bills, reported—

A bill making appropriations for the use and support of the State Government, for the years 1856 and 1857,

And a bill to ascertain the legal claims for land and money against the State, correctly engrossed.

Mr Russell, from the same committee, reported correctly engrossed—

A bill to provide for the holding of the Spring term of the district court of Matagorda county, in the year 1856.

On motion of Mr Scarborough, a bill to muster into service minute men, for the protection of the frontier settlements, was taken up, read third time, and rejected by the following vote:

YEAS—Messrs. Allen, Bryan, Doane, Hord, Lott, Martin, Maverick, Pedigo, Potter, Scarborough, Scott, Superviele, Taylor of Cass, and White—14.

NAYS—Messrs Burroughs, Caldwell, Flanagan, Grimes, Guinn, Hill, McCulloch, Millican, Pirkey, Russell, Taylor of Fannin, Taylor of Houston, Truit, Weatherford, Whitaker and Wren—16.

Mr Taylor of Fannin moved a reconsideration of the vote just taken.

On motion of Mr Whitaker the motion was laid on the table.

On motion of Mr Lott, the engrossed bills on the President's desk, were ordered to be taken up.

A bill making an appropriation for the payment of a portion of the second class debt of the late Republic of Texas.

On motion of Mr Guinn a call of the House was ordered.

On motion of Mr Scott, a joint resolution relating to the votes of Senators Rusk and Houston, on the Nebraska Kansas act, was taken up.

On motion of Mr Taylor of Fannin, a call of the Senate was ordered.

On motion of Mr Weatherford, a bill authorizing Archibald F. Leonard to erect a mill on, and construct a dam across the West Fork of Trinity River, was taken up, read, and passed to a third reading.

On motion of Mr Weatherford the rule was suspended, bill read third time, and passed,

On motion of Mr Taylor of Cass, a bill for the relief of Joseph D. Lilley, assignee of Jonathan Bird, together with the report of the committee on public debt, offering an amendment thereto, was taken up, read, amendment adopted, and bill ordered to be engrossed.

On motion of Mr Taylor of Cass the rule was suspended, bill read third time, and passed.

On motion of Mr Martin, a bill for the relief of Geo. W. Shelton was taken up, read, and passed to a third reading.

On motion of Mr Martin the rule was suspended, bill read third time, and passed.

On motion of Mr Hord, a bill for the relief of the heirs of Charles S. Hardwick was taken up, read, and ordered to be engrossed.

On motion of Mr McCulloch the rule was suspended, bill read third time, and passed.

Mr Taylor of Cass introduced a bill to detect and prevent the payment of fraudulent certificates of public debt, and provide for the collection of certain money due by the United States; read first time.

On motion of Mr Taylor of Cass the rule was suspended, bill read second time, and ordered to be engrossed.

On motion of Mr Taylor of Cass the rule was suspended, bill read third time, and passed.

On motion of Mr Allen, a bill to better define the West boundary line of Grayson county, and the East boundary line of Cooke county was taken up, and read first time.

On motion of Mr Allen the rule was suspended, bill read second time, and passed to a third reading.

On motion of Mr Allen the rule was further suspended, bill read third time, and passed.

A message was received from the House, informing the Senate that the House had passed the following bills, originating in the House, viz :

A bill authorizing the trustees of the several school districts of Comal county, to levy and collect a special tax for school purposes.

A bill for the relief of Henry Patrick,

And a bill supplemental to an act to incorporate the San Antonio and Mexican Gulf Rail Road company, approved Sept. 1850, and the supplements thereto.

On motion of Mr Potter, a bill to create the county of Kinney was taken up, and read first time.

On motion of Mr Potter the rule was suspended, and bill read second time.

On motion of Mr Hord the bill was postponed until to-morrow.

On motion of Mr Russell a bill for the relief of Henry Patrick was taken up, and read first time.

On motion of Mr Russell the rule was suspended, bill read second time, and passed to a third reading.

On motion of Mr Russell the rule was further suspended, bill read third time, and passed.

Mr Potter, chairman of the committee on the Judiciary, made the following report :

The Judiciary committee have considered a bill to establish a code of civil procedure for the State of Texas, and in their action thereon, have suggested only such changes and amendments as they deemed essential. They have endeavored to retain as much as possible such legal maxims and principles embodied therein, as are predicated upon, and consistent with the settled practice established by the rulings and decisions of our supreme court.

The bill provides a simple, certain, and uniform system of civil procedure. It is plain and intelligible in its arrangements, clear and comprehensive in its details, and methodical in its provisions.

It contains but few, and for the most part, important innovations upon the well established principles and precedents of our practice. Time alone will test the defects or advantages of these innovations.

A bill supplementary to, and amending the act of limitations, has passed the Senate during the present session, and is now pending in the House, which in accordance to the adjudications of our supreme court, and in conformity with what reason, experience, and necessity requires, embraces in the opinion of the committee with existing laws, as just and salutary provisions as can be enacted. Therefore the committee have stricken out in the amendments herewith submitted, the appendix to the bill under consideration.

I am instructed by a majority of the committee to report the bill back to the Senate with the accompanying amendments, and recommend the adoption of said amendments; and to submit the bill to the favorable consideration of the Senate.

JUDICIARY COMMITTEE ROOM, }
December 27, 1855. }

"An Act to establish a Code of Civil Procedure for the State of Texas," taken up.

AMENDMENTS.

(*Explanatory.*—The first column of figures shows the number of Articles stricken out; the second, the page of the bill amended; the third, the Articles as numbered in the bill; and the fourth, the Articles as amended.)

	7	21		Amendment 1. In the 11th line, strike out the words "except such suits as are mentioned in Art. 22."
		"		
		"		
	7	"		2. 15 line, strike out the words, "in the manner provided in Article 24."
		"		
	7	"		3. At the end of the 20th line, strike out the word "less," and insert "not more."
		"		
	8	"		4. Strike out 11, 12 and 13th lines.
1	8	22		5. Stricken out.
2	8	24		6. Stricken out.
3	9	25		7. Stricken out.
	13	37	34	8. In 6th line, strike out all after the words "United States."
	14	46	43	9. 18th line, strike out all after the word "intervene," and insert, "in all cases where they think it necessary to do so, in order to protect their rights."
	15	51	48	10. 21st line, strike out "56," and insert "53."
	19	68	65	11. 16th line, strike out all after the word "intervene," and insert, "in all cases where they think it necessary to do so in order to protect their rights."
	19	68	65	12. In 28th line, strike out "56," and insert "53."
	22	79	76	13. 4th line, strike out "56," and insert "53."
4	24	87		14. Stricken out.
5	24	88		15. Stricken out.
	25	96	91	16. 17th line, after "right," insert "or have adverse interests therein."
	26	98	93	17. In 5th line, after "to," insert "do."
	27	104	99	18. 27th line, strike out "100," and insert "95."
	34	128	123	19. 5th line, strike out "compact," and insert "some part."
	35	131	126	20. In 10th line, strike out "128 and 129," and insert "123 and 124."

	35	133	128	21. 18th line, strike out "128 and 129," and insert "123 and 124."
	37	146	141	22. 28th line, strike out "128 and 129," and insert "123 and 124."
	38	147	142	23. 9th line, strike out "128 and 129," and insert "123 and 124."
	38	149	144	24. 25th line, strike out "128 and 129" and insert "123 and 124."
	39	152	147	25. Amend 14th line by inserting after the word "void," "unless the complaint contains averments showing that the court had jurisdiction."
	42	157	152	26. 23d line, strike out the words "and must be separately stated and numbered."
	43	159	154	27. Strike out all after the word him in the eighth line.
6	46	171		28. Stricken out.
7	47	173		29. Stricken out.
	48	175	168	30. 7th line, after "or" add the words—"that his residence is unknown, or."
"	"	"	"	31. 17th line, after "citation" insert—"for publication."
	50	179	172	32. 13th line, strike out 176, 177 & 178 and insert 169, 170, 171.
"	"	180	173	To the 19th line add—"and a certified copy of the complaint."
	51	"	"	34. 15th line, strike out 73 and insert. 70
	51	181	174	35. In the 19th line, strike out 176, 177 and 178, and insert 169, 170 and 171.
	52	187	180	36. 28th line, strike out all after "overruled" to the end of the Article and add—"the defendant shall have one day in which to file a demurrer or answer."
	56	197	190	37. 12th line, strike out "or" after "demurrer" and insert—"and."
	57	"	"	38. 4th line, strike out "twenty" and insert "seven."
	"	"	"	39. 7th line, strike out "30" and insert "ten."
	"	"	"	40. 9th line, strike out 73 and insert 70.
	"	198	191	41. 11th line, strike out "or" and insert "and."
	57	198	191	42. 17th line, strike out 193 and insert 186.

"	199	192	43. 21st line, strike out "the residue" and insert <i>also</i> .
59	205	198	44. 5th line, strike out 203 and insert 196.
60	207	200	45. 1st line, strike out 203 and insert 196.
60	209	202	46. 4th line, after allegations insert—
"	"	"	"and the truth thereof does not appear of record."
"	"	"	47. 6th line, strike out first and second
"	"	"	48. 7th line, strike out 203 and insert 196.
"	208	201	49. 14th line, strike out 206 and insert 199.
61	210	203	50. 5th line, after "answer" insert "as many several matters whether of law or fact as he shall think necessary for his defence, and which may be pertinent to the cause; provided that he shall file them all at the same time and in due order of pleading."
"	211	204	51. 14th line strike out 212 and insert 205.
63	219	212	52. 18th line, strike out 217 and insert 210.
64	220	213	53. 1st line, strike out 217 and insert 210.
"	222		54. Stricken out.
69	243	236	55. 4th line, strike out all after "trial" to the end of the Article.
70	251	243	56. 15th line, strike out all after "court" and insert—"shall allow the party to answer or reply."
"	252	244	57. 20th line, strike out "may" and insert "shall."
"	253	245	58. 23d line, strike out 203 and insert 196.
71	257	249	59. 20th line, strike out "five" and insert "two."
"	"	"	60. 21st line, strike out the words—and one year after notice thereof.
72	258	250	61. 12th line, strike out all after "State" and insert "or is about to leave the county of his domicile, with the intention of abandoning his residence therein, and that

			thereby the plaintiff will probably lose his debt.
72	258	250	62. 15th line, after "State" strike out all to and including "limits" in the next line, and insert—"or the county of his domicile, and that thereby the plaintiff will probably lose his debt."
73	258	250	63. 10th line, after "the" and before "third," insert "second."
"	260	252	64. Between 23 and 24 lines insert the following for paragraph 4—"That the attachment is not sued out for the purpose of injuring the defendant."
"	"	"	65. 24th line, strike out 4 and insert 5.
74	260	252	66. 2d line, strike out 258 and insert 250.
83	297	289	67. 12th line, strike out "by false suggestions or."
	298	290	68. 16th line, strike out the words—"and evidence." In the same and succeeding line strike out the words—"and upon the affidavits that may be introduced by the respective parties."
84	301	293	69. 8th line, strike out "273" and insert 265.
85	305	297	70. 24th line, strike out "304" and insert 296.
85	306	298	71. 5th line, strike out 304 and insert 296.
88	311	303	72. 7th line, strike out 310 and insert 302.
97	346	338	73. 12th line, strike out 304 and insert 296.
98	350	342	74. 27th line, strike out 347 and insert 339.
102	364	356	75. 7th line, strike out 444 and insert 433.
106	380	373	76. 21st line, strike out paragraph 6 and insert in lieu thereof—"When the evidence is concluded, the parties may then submit or argue the case to the jury. In the argument the party who holds the affirmative of the issue will open and conclude. The party entitled to open will make his argument; the other party will

			answer, and the party entitled to open will reply. If there are several defendants having separate defences, the Court may arrange the order of argument for such defendants.
	107	380 372	77. Strike out paragraph 7 and in lieu thereof insert paragraph 8 with the following words prefixed—After the argument is concluded.
	107	380 372	78. 8th line, insert the following as paragraph 8. After the instruction of the Judge either party or his attorney may present in writing but without argument, such instructions as he desires to be given to the jury, which the Judge shall deliver to the jury in whole or in part, or refuse to deliver the same as he may think proper; but where the instruction asked, or any part thereof is refused to be given, the Judge shall write down distinctly what portion of the same he refuses and what portion he gives, and also subscribe his name thereto; all of which shall be filed as a part of the record.
			A material departure from the foregoing provisions, if objected to at the time, and exception be taken, shall be good cause of reversal.
9	111	397	79. Stricken out.
	112	401 392	80. 13th line, strike out 444 and insert 433.
	112	401 392	81. 23d line, strike out 444 and insert 433.
	118	425 416	82. 11th line, strike out 423 and insert 414.
	"	426 417	83. 18th line strike out 423 and insert 414.
	122	438 429	84. 14th line, strike out all after "issue" to the end of the Article.
10	121	437	85. Stricken out.
	123	442 432	86. 22d line after "time" add the words "but the defendant may demur or answer at any time before judgment is taken.
11	445		87. Stricken out.
	125	445 434	88. First line after "incurred" add—

			unless the Court shall in its discretion otherwise order.
	"	447 435	89. 18th line strike out "petition" and insert—"complaint."
	"	" "	90. 23d line, strike out "the."
12	"	446	91. Stricken out.
	"	447 435	92. Strike out all after the word "true" in the 23d line to the end of the Article.
126	448	436	93. 6th line, strike out "one" and insert "two."
	"	" "	94. 7th line, strike out the words "year after notice thereof and within five."
	"	450 438	95. 25th line, strike out "73" and insert 70.
	"	" "	96. 27th line, strike out "447" and insert 435.
132	472	460	97. 11th line, strike out "423" and insert "414."
	"	" "	98. 13th line, strike out 448 and insert 436.
	"	" "	99. 24th line, strike out 257 and insert 249.
133	474	462	100. 2d line, strike out 472 and insert 460.
136	487	475	101. 5th line, strike out the words "except as provided in Article 489."
	"	489 477	102. 16th line, strike out "must" and insert "may."
	"	" "	103. 17th line, strike out "instead of," and insert—"or on."
138	495	483	104. 1st line, strike out 493 and insert 481.
	"	496 484	105. 9th line, strike out 493, and insert 481.
139	501	489	106. 4th line, after for, strike out the words "injuries mentioned in Art. 22" and insert, an assault, battery, false imprisonment, slander, malicious prosecution, criminal conversation, or seduction.
	"	503 489	107. 16th line, strike out 22, and insert 489
140	505		108. Stricken out.
	"	506 493	109. 26th line, strike out the words either of the two preceding articles—an insert <i>the preceding article</i> .

13	143	517	504	110. 1st line, strike out 203, and insert 196.
	"	"	"	111. Add the following as clause 6 "6, And the defendant in his answer may plead as many several matters, whether of law or fact, as he shall think necessary for his defence, <i>and which may be pertinent to the cause.</i> "
14	145	529		112. Stricken out.
15	"	530		113. " "
	146	531	516	114. 1st line, strike out <i>the</i> , and insert— <i>on.</i>
	148	540	525	115. 27th line, strike out the words—or tax.
	149	"	"	116. 1st line, after section, strike out all to, and including improvements, in 4th line.
	"	541	526	117. 8th line, strike out—tax collector.
	160	575	560	118. 9th line, strike out preceding, and insert <i>succeeding.</i>
	164	596	581	119. 12th line, strike out suit, and insert <i>judgment.</i>
	165	598	583	120. 14th line, strike out 575, and insert 560.
16	178	647		121. Stricken out.
	185	678	662	122. Strike out all after county, in the 18th line, to the end of the article.
	189	696	680	123. Strike out all after creditor in the 22d line, to the word not, in 1st line on next page, and insert, <i>on motion in the court from which the execution issued, five days notice being given, to a judgment in favor of the plaintiff in execution.</i>
	190	697	681	124. After creditor, in 6th line, strike out, in a suit on his official bond, and insert, <i>on motion in the court from which the execution issued, five days' notice being given to a judgment in favor of the plaintiff in execution.</i>
	198	720	704	125. 3d line, strike out 717, and insert 701.
17	"	721		126. Stricken out.
	"	722	705	127. 27th line, strike out all after dollars, up to <i>the</i> , in the 1st line, on the next page, and insert <i>and.</i>

17	199	722	705	123. 4th line, strike out the words, such persons or of
	"	724	707	129. 14th line, strike out all after the word dollars, to the word <i>be</i> inclusive, in the next line; and after family, in same line, strike out, <i>or</i> person.
	204	742	725	130. 11th line, strike out 745, and insert 728.
	"	"	"	131. 17th line, strike out 739, and insert 722.
	205	747	730	132. 19th line, strike out after the word refuse, all to, and including the word term, in the 21st line, same article.
	"	748	731	133. 25th line, strike out and, and insert <i>or</i> .
	206	749	732	134. 3d line, strike out six, and insert five.
	210	762	746	135. 3d line, strike out 771, and insert 754.
	211	769	752	136. 17th line, strike out 767, and insert 750.
	213	775	758	137. 16th line, after the word then, strike out all down to, and including the word made, in the 19th line, and insert, <i>ten days shall be allowed</i> .
	214	778	761	138. 10th line, strike out 780, 781, and 782, and insert 763, 764, and 765.
	"	779	762	139. 17th line, strike out 5th.
	215	781	764	140. Strike out paragraph 3.
	218	791	774	141. 24th line, strike out 193, and insert 186.
18	219	796		142. Stricken out.
	220	802	784	143. 28th line, strike out 801, and insert 783.
	224	815	797	144. 8th line, strike out all after testimony, to the end of the article.
19	"	819		145. Stricken out.
	225	820	801	146. 9th line, after party, strike out all to, and including the word jury, in the 11th line.
	226	823	804	147. 20th line, after administrator, insert the words, <i>or heir</i> .
	227	825	806	148. 18th line, strike out 208, and insert 201.
	227	825	806	149. 19th line, strike out 221, and insert 214.

19	227	826	807	150. 25th and 6th lines, strike out defendant, and insert <i>party</i> .
	"	"	"	151. 28th line, after authority, insert the words, <i>or is a forgery</i> .
20	231	838		152. Stricken out.
21	240	868		153. Stricken out.
	241	871	850	154. 9th line, after taken, insert, <i>pertaining to any judicial proceeding</i> .
	236	850	830	155. 4th line, strike out 859, and insert 839.
	247	893	872	156. 12th line, strike out an issue, and insert, <i>a suit</i> .
	247	891	870	157. 7th line, strike out 897, and insert 876.
	"	892	871	158. 10th line, strike out 903, 904, 905, and 906, and insert 882, 883, 884, and 885.
	248	897	876	159. 22d line, strike out 481, and insert 469.
	249	901	880	160. 27th line, strike out 486, and 487, and insert 474, and 475.
	250	905	884	161. 22d line, strike out 897, and insert 876.
	251	906	885	162. 9th line, strike out 481, and insert 469.
				10th line, strike out 897, and insert 876.
				13th line, strike out 893, and insert 872.
	252	910	889	163. 11th line, strike out 903, and insert 882.
	"	911	890	164. 16th line, strike out 904, and insert 883.
	256	921	900	165. 4th line, strike out 439, and insert 429.
	257	927	906	166. 12th line, strike out 924, and 925, and insert 903, and 904.
	257	929	908	167. 22d line, strike out "927" and insert "906."
	258	930	909	168. 9th line after "appellee" insert "or."
	261	947	926	169. 19th line strike out all after "party" to the end of the article.
	261	948	927	170. 25th line, strike out "951," and insert "930."
	261	948	927	171. 25th line, after "suspensive," add

21			the words, "or in the discretion of the court."
262	949	928	172. 3rd line, after "court" add, "provided there be an assignment of errors."
263	951	930	173. 9th line, strike out "903," and insert "882."
263	952	931	174. 15th line, after "below" strike out all to the end of the article, and insert, "or when the Supreme Court shall render such judgment or decree as should have been rendered by the court below, and such judgment shall be for the same or a greater amount, or of the same nature as rendered in the court below, such judgment or decree shall be final, and shall not require any order, decree or action on the part of the District Court from which the cause was appealed; and the clerks of the various District Courts, on the receipt of the mandate of the Supreme Court in any such cause, shall file the same, endorsing thereon the time of the filing thereof, and shall proceed to issue execution thereon as in other causes."
266	962	941	175. 6th line, fill blank with "fourth."
"	"	"	176. 8th line, after "article" insert "156."
267	963	942	177. 4th line, strike out "34," and insert "31."
268	964	943	178. 26th line, strike out "73," and insert "70."
272	973	952	179. 26th line, after "Mayor," insert "or Chief Executive Officer."
273	"	"	180. 7th line, strike out "73," and insert "70."
"	974	953	181. 13th line, strike out "175, 176 and 179," and insert, "168, 169 and 172."
274	979	958	182. 4th line, strike out "209," and insert "202."
276	985	964	183. 8th line, strike out "258 and 304," and insert "250 and 296."
277	987	966	184. 2nd line, strike out "358," and insert "350."
"	988	967	185. 12th line, strike out "444," and insert "433."

21	278	990	969	186. 2nd line, strike out "six," and insert "three."			
	"	992	971	187. 9th line, strike out "twelve," and insert "six."			
	"	996	975	188. Strike out the entire article, and insert in lieu thereof the following:—"A Justice of the Peace, may for good cause shown, supported by affidavit in writing, grant a new trial in any civil suit, tried before him, whenever he shall consider that justice has not been done in the trial of such cause; provided, however, that all applications for a new trial shall be made within ten days after the rendition of judgment, and one day's notice of the application shall be given to the opposite party, his agent or attorney: Provided also, that not more than one new trial shall be granted to either party; and in all cases, where a new trial shall be granted, the cause shall be continued to the next term of the Court, unless the parties shall agree upon some other day for trial.			
	278	997	976	189. 25th line, strike out 458 and insert 446.			
	"	"	"	190. 27th	468	"	456.
	279	998	977	191. 3d	482	"	470.
	280	1001	980	192. 4th	543	"	528.
	"	1002	981	193. 10th	558	"	543.
		1003	982	194. 15th	568	"	553.
	281	1004	983	195. 2d	575	"	560.
	"	1005	984	196. 6th	492	"	480.
				197. 7th, after "peace" add "except article 491."			
	"	1006	985	198. 10th line, strike out 628 and insert 613.			
	282	1007	986	199. 5th line, strike out 638, 704, 705, and 707, and insert 623, 688, 689 and 691,			
	283	1012	991	200. 21st line, strike out "Chief Justices," and insert "Clerk of the Co. court."			
	284	1013	992	201. 3d line, strike out 728 and insert 711,			
	"	"	"	202. 6th	"	"	787 " 770.
	285	1015	994	203. 21st, after "costs," add "motion			

21			for new trial and the proceedings had thereon.
286	1016	995	204. 7th line, strike out 1007 and insert 986.
287	1019	998	205. 8th " " 850 " 830.
291	1038	1017	206. 27th, after "and" insert "shall have power to appoint."
294	1049	1028	207. 9th line strike out 717 and insert 701.
300	1073	1052	208. 18th line strike out, and in next line make 4—3.
303	1082	1061	209. 4th line stricken out all after "shall" to the end of the article and insert, "received the appointment of Executor or Administrator as the case may be, upon qualifying as such as in other cases."
304	1085	1064	210. 14th line strike out 541 and insert 526.
307	1095	1074	211. 26th " 1093 " 1072.
308	1097	1078	212. 5th " 1093, 1094 and 1095, and insert 1072, 1073 and 1074.
"	1099	1078	213. 20th line strike out 1097 and insert 1076.
309	1102	1081	214. 14th " 1085 " 1064.
"	"	"	215. 16th " 1093, 1094 and 1095, and insert 1072, 1073 and 1074.
"	"	"	216. 20th line strike out 1073 and insert 1052.
"	"	"	217. 22d " 1106 " 1085.
"	"	"	218. 25th " 1105 " 1084.
310	"	"	219. 2d " 1093 " 1072.
"	"	"	220. 4th " 1092 " 1071.
"	104	1083	221. 12th " 1097 " 1076.
"	"	"	222. 15th " 10 " 20.
311	1107	1086	223. 3d " " " "
"	1110	1089	224. 16th " 1104 and 1109, and insert 1083 and 1088.
"	"	"	225. 20th line strike out "attested" and insert "signed," and in the same line after "Justices" insert "and attested by the Clerk."
314	1120	1099	226. 1st line, strike out 1085, and insert 1064.
"	"	"	227. 3rd line, strike out 1069 and 1110 and insert 1048 and 1098.

217	314	1120	1099	228. 4th line strike out 1073, 1115 and 1117 and insert 1052 1094 and 1096.
			"	229. 6th line strike out 1124 and insert 1103.
	"	"	"	230. 8th line strikes out 1123 and insert 1602.
	"	1121	1100	231. 10th line strike out 1069 and 1119 and insert 1048 and 1098.
		1122	1101	232. In 1st line of the Article strike out 1120 and insert 1099.
		"	"	233. 20th line strike out ten and insert twenty.
	315	1125	1104	234. 6th line strike out ten and insert twenty.
		1127	1106	235. 14th line strike out 1122 and 1126 and insert 1101 and 1105.
	"	"	"	236. 18th line strike out attested and insert signed; in the next line after Justice insert <i>and attested by the Clerk.</i>
	316	1130	1109	237. 14th line strike out 873, 874, 875 and 876 and insert 852, 853, 854 and 855.
	317	1131	1113	238. 8th line strike out ten and insert twenty.
		1636	1115	239. 16th line strike out 1124 and insert 1113.
	"	"	"	240. 17th " " " 879 and insert 858.
		1138	1117	241. 27th " after mind insert <i>persons imprisoned under sentence of a Court for a term less than for life.</i>
	321	1149	1128	242. 16th line after exempted, insert from <i>forced sale.</i>
	"	"	"	243. 17th line strike out 717 and insert 701.
	322	1152	1124	244. 18th line strike out 1191 and insert 1170
	326	1166	1145	245. 11th line strike out 724 and 725, and insert 707 and 708
	327	1168	1147	246. 3rd line strike out 1186, 1190 and 1191, and insert 1165, 1169 and 1170.
	"	1169	1148	247. 9th line strike out 1174, 1175 and 1176, and insert 1153, 1154 and 1155.
	328	1174		248. 10th line strike out 278, and insert 1256.
				249. 28th line, after then, insert <i>the.</i>

21	329	1175	1154	250. 17th line, strike out "consist" and insert "be consistent."
	332	1186	1162	251. 22nd line after "will" add "and give bond."
	"	1184	1163	252. 27th line strike out "1115 and 1116" and insert "1094 and 1095."
	333	1185	1164	253. 5th line strike out "1183" and insert "1162."
	"	1186	1165	254. 12th line, after "estate" insert "that he shall deem to be necessary for the due administration of the estate."
	334	1189	1168	255. 19th line strike out "675" and insert "659."
	338	1206	1185	256. 11th line strike out "1182" and insert 1161.
	340	1210	1189	257. 11th line strike out "1208" and insert 1187.
	"	1213	1192	258. 27th line strike out "amount" and insert amounts.
	342	1221	1200	259. 15th line strike out "1247" and insert 1226.
	"	1222	1202	260. 20th line strike out "762" and insert 745.
	"	1223	1201	261. 26th line strike out "1216" and insert 1195.
	"	"	"	262. 29th line strike out " and insert 1195.
	343	"	"	263. 3rd line strike out "1216 and 1217" and insert 1195 and 1196.
	"	"	"	264. 5th line strike out "1219" and insert 1198.
	"	"	"	265. 6th line strike out "1263" and insert 1195.
	"	"	"	266. 7th line strike out "1220" and insert 1199.
	"	1224	1203	267. 11th line strike out "1216, 1217 1219 and 1220" and insert 1195, 1196, 1198 and 1199.
	348	1246	1225	268. 5th line strike out "1248" and insert 1227.
	350	1253	1232	269. 18th line strike out "1216, and 1217" and insert 1195 and 1196.
	350	1253	1232	270. 20th line strike out "2246" and insert 1225.
	350	1254	1233	271. 24th line strike out "1247" and insert 1226.

- 21 350 1254 1233 272. 26th line strike out "1225 and 1256"
- 351 1258 1237 273. 17th line strike out "1256" and
insert 1235.
- 352 1259 1238 274. 3rd line strike out "1216" and
insert 1225.
- 353 1270 1248 275. 14th line strike out "1261" and
insert 1239.
- 356 1272 1250 276. 5th line strike out "1180" and in-
sert 1159.
- 361 1290 1268 277. 7th line strike out "675" and in-
sert 659.
- 361 1291 1269 278. 18th line strike out "1188" and
insert 1167.
- 363 1298 1276 279. 12th line strike out "414 and 415"
and insert 405 and 406.
- 365 1307 1285 280. 7th line strike out "1260" and
insert 1239.
- 366 1308 1286 281. 12th line strike out "Chief Justice"
and insert Clerk of the Court.
- 367 1313 1291 282. 17th line strike out "1260, 1335,
1340 and 1341" and insert 1239, 1313,
1318 and 1319.
- 368 1313 1291 283. 4th line strike out "1073" and in-
sert 1052.
- 372 1331 1309 284. 10th line strike out "1260" and
insert 1239.
- 372 1334 1312 285. 26th line strike out "1267, 1268,
and 1269" and insert 1245, 1246, and
1247.
- 373 1335 1313 286. 7th line strike out "1260" and
insert 1239.
- 374 1338 1316 287. 5th line strike out "1293" and
insert 1271.
- 374 1340 1318 288. 13th line strike out "1260" and
insert 1239.
- 376 1349 1327 289. 20th line after "Article" insert
1286 and 1287.
- 377 1352 1330 290. 16th line strike out "1345 and
1346" and insert 1323 and 1324.
- 378 1354 1332 291. 5th line strike out "31 and 32" and
insert 28 and 29.
- 385 1386 1264 292. 26th line strike out "1382 and
1384" and insert 1261 and 1262.
- 386 1388 1266 293. 7th line strike out "1122 and
1126" and insert 1101 and 1105.

211	387	1362	1370	294. 2nd line strike out "1128" and insert 1107.
	387	1393	1371	295. 6th line strike out "1140" and insert 1119.
	387	1394	1372	296. 9th line strike out "1145" and insert 1124.
	387	1394	1372	297. 10th line strike out "1149" and insert 1128.
	387	1395	1373	298. 14th line strike out "1306" and insert 1284.
	388	1397	1375	299. 8th line strike out "1093" and insert 1072.
	391	1407	1385	300. 10th line strike out "1186" and insert 1165.
	391	1408	1386	301. 13th line strike out "1174 and 1175" and insert 1153 and 1154.
	394	1420	1398	302. 13th and 14th lines strike out "1267, 1268 and 1269" and insert 1245 1246 and 1247.
	393	1421	1399	303. 17th line strike out "1283 and 1284" and insert 1261 and 1262.
	395	1424	1402	304. 3rd line strike out "1278" and insert 1256.
	397	1429	1407	305. 2nd line strike out "1296" and insert 1274.
	397	1431	1409	306. 11th line strike out "1249" and and insert 1228.
	409	1471	1449	307. 11th line strike out "503" and insert 491.
	409	1472	1450	308. 18th line strike out "1225" and insert 1204.
	410	1472	1450	309. 6th line strike out 624, 625, 626 and 627" and insert 609, 610, 611 and 612.
				310. Strike out the Appendix, including all after the 414th page.

On motion of Mr. Scott, the House adjourned until to-morrow morning, 10 o'clock, A. M.

SENATE CHAMBER, }

FRIDAY, February 1st, 1856. }

The Senate was called to order by the President pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.